

REMARKS

This Amendment is in response to the Office Action dated January 25, 2005. Claims 1 to 15 are pending and have been rejected. Claims 1, 2, 5 and 12 have been amended. A Supplemental Information Disclosure Statement has been submitted herewith. A check in the amount of \$180 has been submitted herewith to cover the cost of the Supplemental Information Disclosure Statement. Please charge Deposit Account No. 02-1818 for any additional fees owed.

Claims 1 to 4 and 12 to 15 were rejected under 35 U.S.C. §112, first paragraph. In particular, the Patent Office alleges that there is no support in the Specification for “at least 25°F” as recited in Claim 2. Applicants have amended Claim 2 to provide chilling the whole poultry part to 22°F to 25°F. Support for this amendment can be found in the Specification at, for example, page 3, lines 9-10. Therefore, the rejection of Claim 2 should be withdrawn.

The Patent Office further alleges that there is no support in the Specification for “in a single immersion” as recited in Claim 1 and “a single time” as recited in Claim 12. Applicants respectfully disagree and traverse this rejection. A one-time immersion process is described in Applicants’ Specification at, for example, page 2, lines 16-19, where individual slices are immersed in a marinade solution until the solution permeates each slice. Nevertheless, in order to further the prosecution of the present application, Applicants have amended Claims 1 and 12. Therefore, the rejection should be withdrawn. It should be noted, however, that this limitation no longer exists in Claims 1 and 12.

Claims 1 to 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over The Good Cook Techniques and Recipes publication (“*Good Cook*”).

Claims 1 and 5 have been amended to include, among other elements, immersing the individual slices into the seasoning liquid solution and maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice.

Good Cook fails to teach or suggest immersing individual slices into a seasoning liquid solution as in the claimed invention. The Patent Office points out that the liquid volume disclosed in *Good Cook* is sufficient for the chicken slices to fully absorb the marinade. However, the liquid volume disclosed in *Good Cook* is not sufficient to immerse the individual

slices and to permeate each slice throughout the entire slice as required by the claimed invention. As discussed in the previous Response to Office Action filed December 29, 2004, only one recipe in *Good Cook* discloses slicing chicken pieces into individual slices, namely, "Stir Fried Chicken with Fresh Mushrooms," page 96. In this recipe, a marinade including 2 tbsp, or 30 ml, of a liquid (cold water) is combined with 2 1/2 tsp (12 ml) of solid (corn starch and salt), to form a paste which acts as a coating rather than a seasoning liquid solution in which individual slices are permeated. Therefore, the disclosure in *Good Cook* would not have suggested to one of skill in the art to immerse individual slices into a seasoning liquid solution as in each of the independent claims of the claimed invention.

Accordingly, for at least the above reasons, Applicant respectfully submits that Claims 1 to 15 are allowable over *Good Cook*.

Claims 1 to 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,012,808 to *Strong* ("*Strong*").

Strong fails to teach or suggest slicing the chilled part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice as recited in Claim 1. *Strong* instead discloses cutting up a chicken into its nine parts, namely into its two drumsticks, two thighs, two wings, two side breasts and one keelbone. *Strong*, column 4, lines 65 to 68. Contrary to the assertion of the Patent Office, Applicant respectfully submits that there is a patentable distinction between slicing the chilled part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice as in the claimed invention, and cutting up a chicken into its nine parts. Indeed, according to Applicant's Specification at, for example, page 3, lines 9-13, poultry parts are further sliced into individual slices of a thickness sufficient to cause each slice to readily absorb a marinade solution throughout the entire slice. Inferring the claimed elements into the deficient disclosure of *Strong* is improper. Indeed, such an inference requires much more speculation than the speculation needed to infer full absorption taking place in a single immersion (the basis for the Patent Office's §112 rejection discussed above), assuming the specification does not disclose such material. The Patent Office should not be able to have it both ways. If it is going to deny Applicants an allowance based on an alleged inference, it should not be able to infer teachings that do not exist into the prior art. *Strong* shows no

motivation for the slicing steps of the method, and it is improper to infer such suggestion. Therefore, *Strong* fails to teach or suggest slicing the chilled part into individual slices, each individual slice having a thickness sufficient to absorb a seasoning liquid solution throughout the entire slice.

Accordingly, *Strong* also fails to teach or suggest slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice in less than 30 seconds as in Claim 5. Likewise, *Strong* fails to teach or suggest slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice as in Claim 12.

In addition, *Strong* fails to teach or suggest immersing the individual slices into the seasoning liquid solution and maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice. In fact, *Strong* teaches away from immersing the individual slices into the seasoning liquid solution and maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice. In contrast to the present invention, *Strong* teaches repeatedly lifting the chicken pieces out of the marinade and dropping them back into the marinade instead of “simply carrying the chicken pieces through a marinade bath of the same period of time”. *Strong*, column 1, lines 61-66 and column 5, lines 40-47. Therefore, *Strong* teaches away from immersing the individual slices into the seasoning liquid solution and maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice.

The Patent Office suggests that repeated lifting of the chicken pieces in and out of the marinade in *Strong* will eventually result in full absorption of the marinade by the chicken pieces. As discussed above, this is improper speculation. The fact remains that nothing in *Strong* teaches or suggests that the individual slices are maintained in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice as in the claimed invention. *Strong* only discusses improving “the rapidity of pick-up of marinade,” *Strong*, column 1, lines 61-66. *Strong* also discloses percentages of “pick-up” in the range of 3.8% to 14.7%. *Strong*, column 5, lines 35-39 and column 6, lines 10-13. Even the

highest percentage pick-up by weight (14.7%) appears to be less than would be expected if the seasoning liquid solution, in fact, permeated each slice throughout the entire slice as in the claimed invention. *Strong*, therefore, fails to teach or suggest maintaining the individual slices in the seasoning solution for a time period sufficient for the seasoning liquid solution to permeate each slice throughout the entire slice as in the claimed invention.


Strong also requires that the chicken pieces be exposed to the marinade for at least $6\frac{3}{4}$ minutes and as much as 15 minutes. *Strong*, column 5, lines 23-24 and column 6, lines 2-5. Therefore, *Strong* fails to teach or suggest slicing the meat product into individual slices, the slices being of such thickness so that a seasoning liquid solution can permeate across each slice in less than 30 seconds as in Claim 5 and immersing the individual slices into the seasoning liquid solution, each individual slice remaining immersed in the seasoning solution for less than 60 seconds as in Claim 12.

For at least these reasons, Applicant respectfully submits that neither *Good Cook* nor *Strong* teaches or suggests the features of Claims 1, 5 and 12 taken individually or read together. Therefore, Claims 1, 5 and 12 are patentably distinguished over both *Good Cook* and *Strong*. Accordingly, Applicant respectfully submits that independent Claim 1 and Claims 2 to 4, that depend from Claim 1, independent Claim 5 and Claims 6 to 11 that depend from Claim 5, and independent Claim 12 and Claims 13 to 15 that depend from Claim 12 are in condition for allowance.

Applicant respectfully requests that the current rejections be withdrawn and that the above-identified patent application be deemed in a condition for allowance.

Respectfully submitted,

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